

City Council Introduction: **Monday**, October 22, 2001
Public Hearing: **Monday**, October 29, 2001, at **5:30 p.m.**

Bill No. 01R-281

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 01018**, requested by Mark Hunzeker on behalf of the Fraternal Order of Eagles Star City Aerie #4111, to waive the parking lot surfacing requirements on property located at 2112 Cornhusker Highway.

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Special Permit No. 1934 (01R-280)

FINDINGS OF FACT:

1. The staff recommendation to approve the waiver of the parking lot surfacing requirements at 2112 Cornhusker Highway is based upon the following analysis:
 - A. The parking lot will serve the FOE Star City Aerie #4111, a non-profit organization that is consistent with those entities eligible for an exception to the surfacing requirement under LMC Section 27.67.100(c)(1).
 - B. The request shows that the parking lot will be surfaced with crushed rock to help control dust.
 - C. The building and parking lot shown on the site plan already exist; it is a function of the requirements of the special permit for on-premises alcohol sales that the applicant is required to seek this waiver (preamble to LMC Section 27.63.680). This same use without on-premises consumption of alcohol would not require a waiver.
 - D. The proposed FOE Star City Aerie #4111 is a low intensity use with a low traffic demand, and the waiver of the surfacing requirement should not adversely affect surrounding property.
 - E. The Public Works Department review states that the existing rock lot should be sufficient for the proposed use, and that there are no objections at this time. It is also noted that the lot layout meets design standards for future paving.
 - F. LMC Section 27.67.100(c) provides that notwithstanding that a waiver is granted, if it is later found that dust or noise created by the use of a parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked. Thereafter, the use of such parking lot shall cease unless surfaced in accordance with the adopted design standards.
2. This application does not require review and action by the Planning Commission.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 15, 2001

REVIEWED BY: _____

DATE: October 15, 2001

REFERENCE NUMBER: FS\CC\FSW01018

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #01018

DATE: October 10, 2001

PROPOSAL: The Fraternal Order of Eagles is requesting a waiver of the parking lot surfacing requirement.

LAND AREA: Approximately 1.21 acres

CONCLUSION: Findings support granting this waiver to the parking lot surfacing requirement.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 56 I.T., in the SE 1/4 of Section 12, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: 2112 Cornhusker Highway

OWNER: Zan It, L.L.C.
PO Box 80612
Lincoln, NE 68501

APPLICANT: Fraternal Order of Eagles (FOE)
2112 Cornhusker Highway
Lincoln, NE 68521

CONTACT: Mark Hunzeker
1045 Lincoln Mall Suite 200
Lincoln, NE 68508

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Social Hall

SURROUNDING LAND USE AND ZONING:

North	Warehousing/Distribution	I1
South	Automobile Sales	H3
East	Vacant	I1
West	Plumbing Contractor/Automotive Repair	I1

ASSOCIATED APPLICATIONS: Special Permit #1934 - A request for a special permit to allow the sale of alcoholic beverages for consumption on the premises was submitted with this waiver request, and received a recommendation for approval from the Planning Commission. However, this waiver request does not require review and recommendation by the Planning Commission

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area for industrial land uses.

APPLICABLE ZONING ORDINANCE REFERENCES:

1. Section 27.67.100(c) (page 27-174.1) - Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirements if the council finds that:

(1)(i) The parking lot is to be used in conjunction with a non-profit, religious, educational, or philanthropic institution; ...

(2) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation; and

(3)(i) The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses; or

(ii) The frequency of use of the parking lot is so low that compliance with the surfacing requirement of this section would cause undue economic hardship upon the owner as compared with minimal impact upon surrounding land uses.

2. The preamble to Section 27.63.680 (page 27-162) - A special permit for such use (sale of alcoholic beverages for on-premises consumption) may be granted subject to the requirements of the respective districts, all applicable ordinances, and unless waived by the City Council, the following conditions"

TRAFFIC ANALYSIS: Both the building and parking lot shown on the site plan already exist. The layout of the parking lot provides 100 spaces and exceeds the amount required by the Zoning Ordinance. Traffic through the lot is limited to the customers of the FOE Star City Aerie #4111 as the parking lot does not provide access to any adjoining properties.

ENVIRONMENTAL CONCERNS: Unpaved lots have the potential to create off-site impacts and to become a nuisance to adjacent properties if measures are not implemented to control dust. The Zoning Ordinance states that alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation.

ANALYSIS:

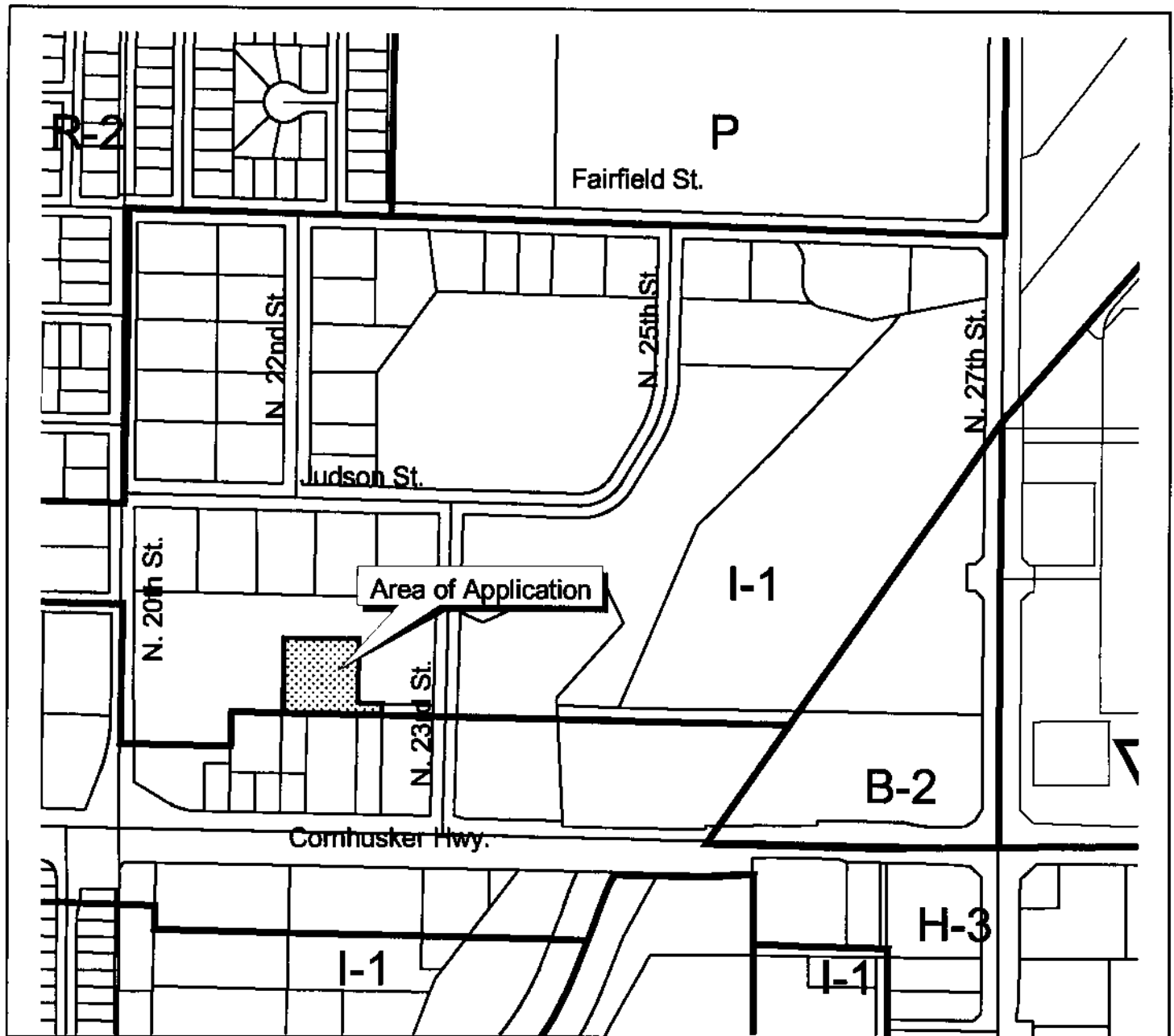
1. The parking lot will serve the FOE Star City Aerie #4111, a non-profit organization that is consistent with those entities eligible for an exception to the surfacing requirement under LMC Section 27.67.100(c)(1).

2. The request shows that the parking lot will be surfaced with crushed rock to help control dust.

3. The building and parking lot shown on the site plan already exist; it is a function of the requirements of the special permit for on-premises alcohol sales that the applicant is required to seek this waiver (preamble to LMC Section 27.63.680). This same use without on-premises consumption of alcohol would not require a waiver.
4. The proposed FOE Star City Aerie #4111 is a low intensity use with a low traffic demand, and the waiver of the surfacing requirement should not adversely affect surrounding property.
6. The Public Works Department review states that the existing rock lot should be sufficient for the proposed use, and that there are no objections at this time. It is also noted that the lot layout meets design standards for future paving.
7. LMC Section 27.67.100(c) provides that notwithstanding that a waiver is granted, if it is later found that dust or noise created by the use of a parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked. Thereafter, the use of such parking lot shall cease unless surfaced in accordance with the adopted design standards.

Prepared by:

Brian Will, AICP
Planner



Waiver of Design Standard #01018 **2112 Cornhusker Hwy**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

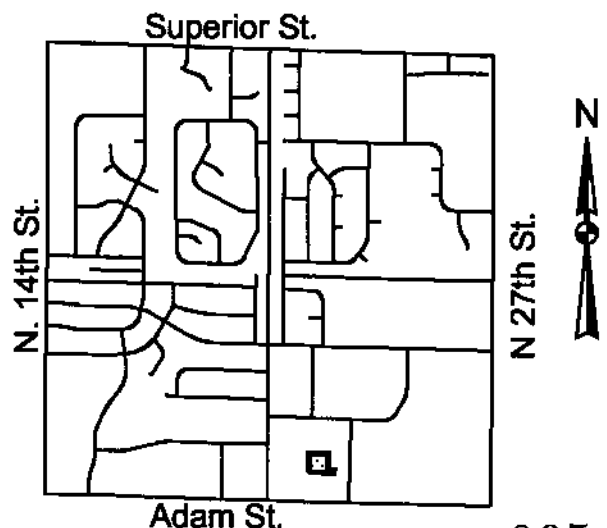
One Square Mile
 Sec. 12 T10N R6E



Zoning Jurisdiction Lines

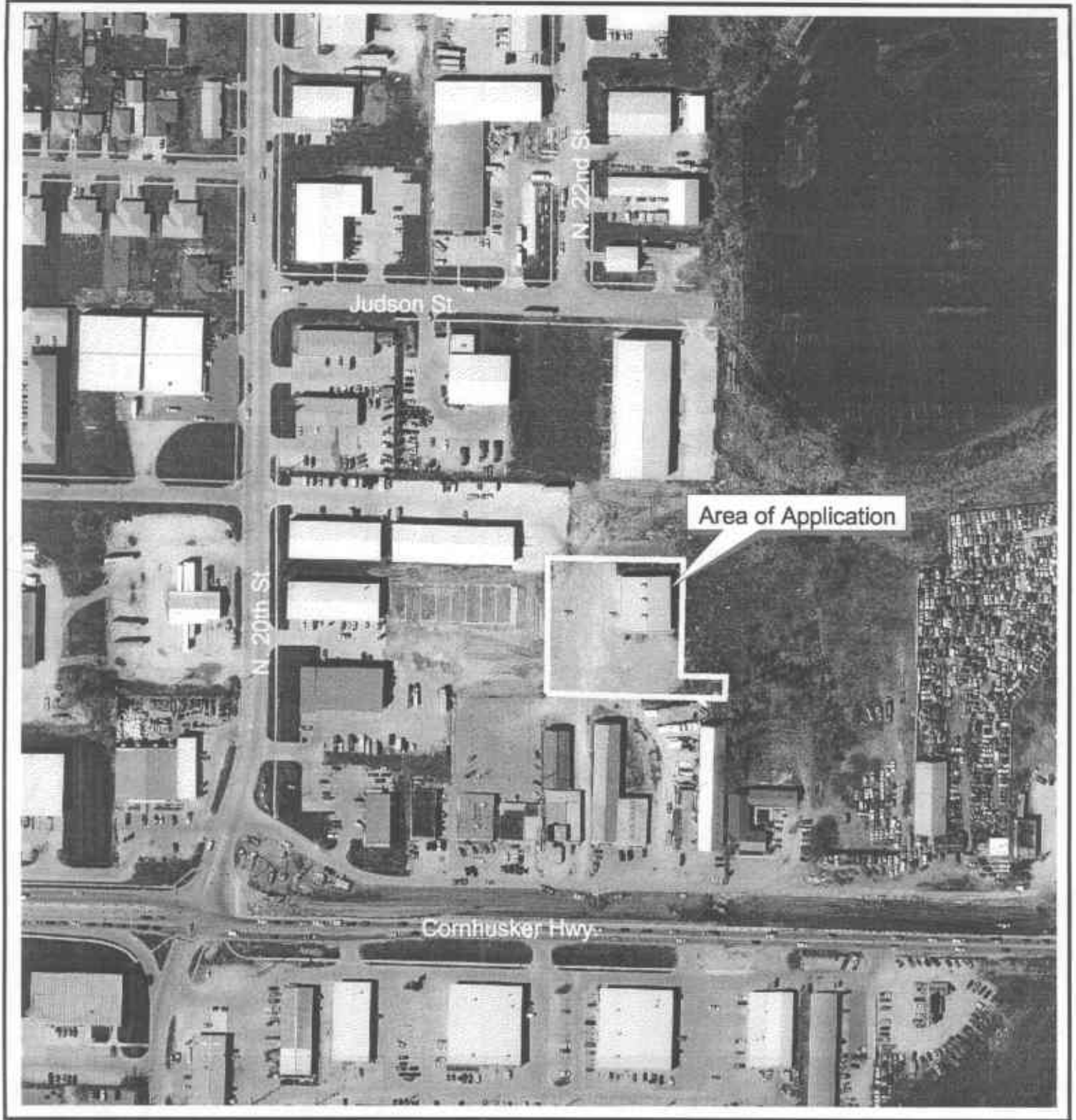


City Limit Jurisdiction



005

Date: 10/12/01
 Lincoln City - Lancaster County Planning Dept.



Wavier of Design Standards #01018
2112 Cornhusker Hwy



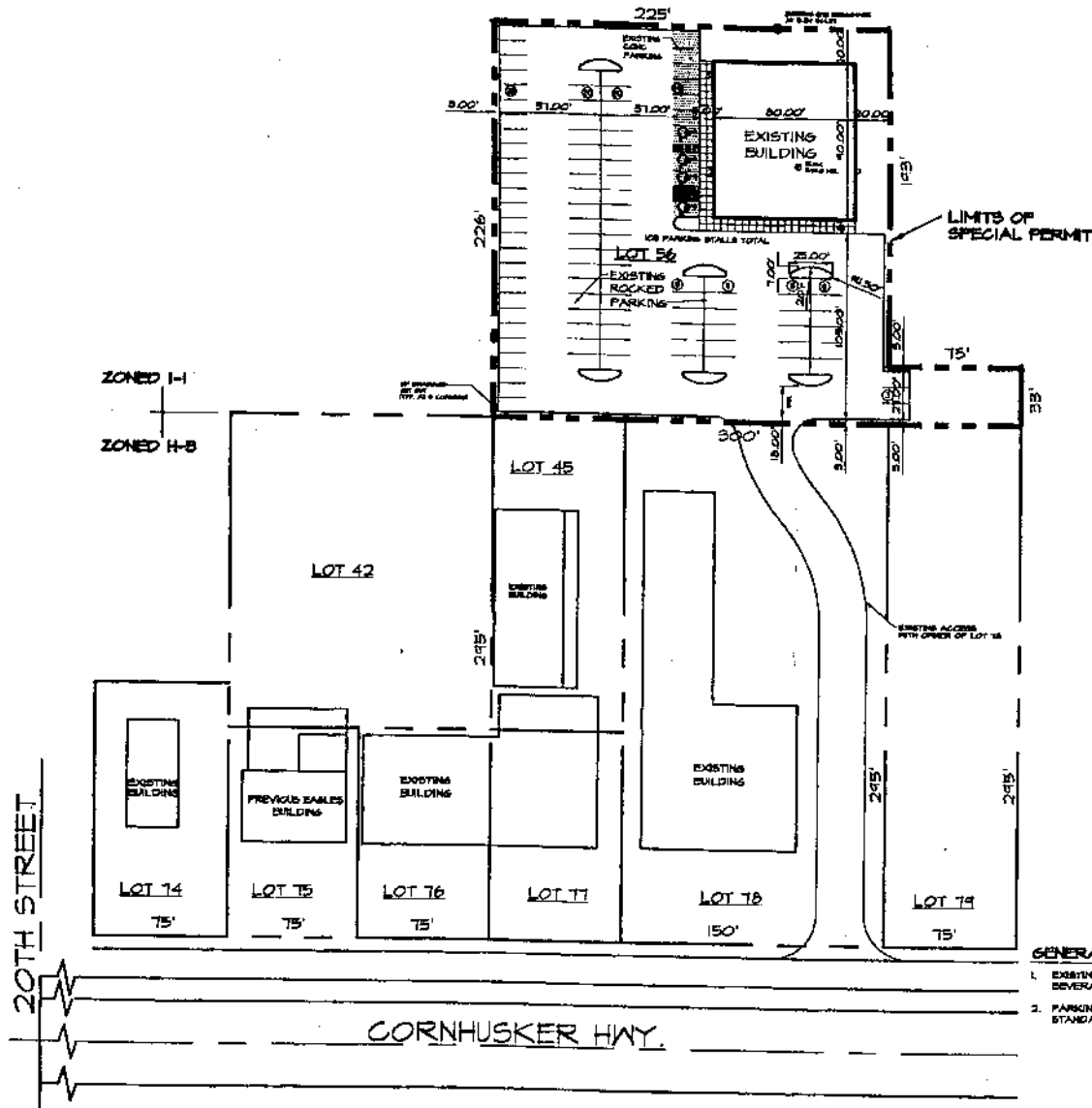
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SPECIAL PERMIT #1934 2112 CORNHUSKER HIGHWAY



Date: 9/20/01

007



LEGAL DESCRIPTION:

LOT 56 IRREGULAR TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

APPLICANT:

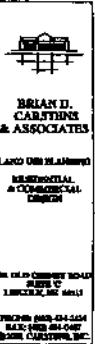
PRATERIAL ORDER OF EAGLES
STAR CITY AERIE #4111
A NEBRASKA NON-PROFIT CORPORATION
3112 CORNHUSKER HIGHWAY
LINCOLN, NEBRASKA 68501 (402)458-5151

OWNER OF RECORD:

ZAN IT L.L.C.,
A NEBRASKA LIMITED LIABILITY CO.
P.O. BOX 80812
LINCOLN, NE 68501

PETITIONER:

MICHAEL T. JOHNSON
PETERSON, FITCHETT, HANZDEKER, BLAKE & KATT
1045 LINCOLN MALL, SUITE 200
P.O. BOX 15104
LINCOLN, NEBRASKA 68504 (402) 476-7521



EAGLES
AERIE
#4111

SPECIAL PERMIT

AND

WAIVER OF
PARKING LOT
RESURFACING &
LANDSCAPING
REQUIREMENT

2112
CORNHUSKER
HIGHWAY
LINCOLN, NE

SITE
PLAN



PROJECT NUMBER
1934

GENERAL NOTES:

- EXISTING ZONING IS H-S WITH PERMITTED SPECIAL USE. SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.
- PARKING LOT LIGHTING SHALL BE REINSTALLED AS PER CITY OF LINCOLN DESIGN STANDARDS.

ORIGINAL SITE INFORMATION PROVIDED BY:
ARCHITECTURAL DESIGN ASSOCIATES, P.C.

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